

Report Date: June 30, 2022

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Jul 01, 2022**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Alvaro Gaitan

Case Number: 0980 1:19CR02043-SAB-1

Address of Offender: [REDACTED], Spokane, WA 99202

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: August 19, 2020

Original Offense: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 37 months  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Ian Lloyd Garriques

Date Supervision Commenced: April 20, 2022

Defense Attorney: Jennifer Rebecca Barnes

Date Supervision Expires: April 19, 2025

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**PETITIONING THE COURT**

To issue a warrant.

On April 20, 2022, the offender's conditions of supervision were reviewed and he signed said conditions acknowledging an understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b>Standard Condition # 9:</b> If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
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**Supporting Evidence:** The offender is alleged to have violated standard condition number 9, by failing to notify the probation officer within 72 hours of his contact with law enforcement on or about June 19, 2022.

On June 19, 2022, a traffic stop was conducted by the Spokane Police Department on an unlicensed vehicle that was being driven by the offender. Mr. Gaitan advised the officer that he recently purchased the vehicle, but had not registered it. He was given a warning for no registration and was additionally cited for operating a motor vehicle without insurance.

The undersigned became aware of the aforementioned incident while conducting a record check on June 30, 2022. Mr. Gaitan made no known efforts to notify the probation officer within 72 hours of his contact with law enforcement.

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2            **Mandatory Condition # 1:** You must not commit another federal, state or local crime.

**Supporting Evidence:** The offender is alleged to have violated mandatory condition number 1, by failing to transfer his vehicle title within 45 days, a misdemeanor, in violation of R.C.W. 46.12.650.7.

On June 29, 2022, the Spokane County Sheriff's Department made contact with Mr. Gaitan during a traffic stop, at which time he was cited for the above-referenced law violation. On that same date, the responding officer contacted the undersigned and advised that Mr. Gaitan had been stopped in an area known to have high drug activity.

Mr. Gaitan is scheduled to appear in Spokane County District Court on July 7, 2022, in reference to the above-noted law violation.

3            **Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 6, by ingesting controlled substances, methamphetamine and amphetamine, on or about June 29, 2022.

On June 29, 2022, Mr. Gaitan submitted a urine specimen at the U.S. Probation Office that was presumptive positive for methamphetamine and amphetamine. At that time, he signed a denial form indicating he had not used said substances.

On June 30, 2022, Mr. Gaitan admitted to the probation officer that he had relapsed. He stated he had been using methamphetamine "all day and all night" since approximately June 16, 2022, but had been sober for 2 days.

4            **Standard Condition # 5:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 calendar days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

**Supporting Evidence:** The offender is alleged to have violated standard condition number 5, by failing to notify the probation officer within 72 hours of his change in residence.

On June 30, 2022, Mr. Gaitan reported to the U.S. Probation Office for a scheduled appointment. At that time, he admitted that he had not been staying at his approved residence since approximately June 12, 2022. He further advised the probation officer that he had been "couch surfing" and living in his car since that time. He made no known efforts to notify the probation officer within 72 hours of his change in residence.

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- 5            **Special Condition # 5:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** The offender is alleged to have violated special condition number 5, by failing to attend a scheduled treatment session at Pioneer Human Services (PHS) on June 29, 2022.

The probation officer received email correspondence from PHS indicating Mr. Gaitan failed to report to PHS for a scheduled treatment session on June 29, 2022.

- 6            **Standard Condition # 7:** You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

**Supporting Evidence:** The offender is alleged to have violated standard condition number 7, by failing to notify the probation officer within 72 hours of his change of employment.

On June 30, 2022, Mr. Gaitan reported to the U.S. Probation Office for a scheduled appointment. At that time, he informed the undersigned that he was no longer working, as he quit his job approximately 3 weeks prior. He made no known efforts to notify the probation officer within 72 hours of his change in employment.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:    June 30, 2022

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s/Lori Cross

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Lori Cross  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

A handwritten signature in blue ink, reading "Stanley A. Sestran". The signature is written in a cursive style with a horizontal line underneath the name.

Signature of Judicial Officer

7/1/2022

Date